

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.,

No. C-04-5098 EMC

Plaintiff,

v.

**ORDER RE PARTIES' JOINT LETTER
OF JANUARY 17, 2006**

TEXTRON, INC.,

Defendant.

Having considered the joint letter lodged with the Court on January 17, 2006 regarding the parties' dispute over Defendant's responses to Plaintiff's request for production of documents, and good cause appearing therefor, the Court hereby **GRANTS** Plaintiff's motion.

As to Set One, there is no objection to the request. Defendant shall by 5:00 p.m., January 23, 2006 update its response and provide all responsive documents within its possession, custody or control and/or state that it has produced all such documents.

As to Request No. 2, Defendant shall produce all Monthly Management Reports as requested by Plaintiffs. Defendant shall also produce all documents which refer, describe, or accompanied those reports. Defendant may redact from these Reports and documents only those portions which have no relationship whatsoever the on-board battery chargers. No redaction shall be permitted simply because the content contains trade secrets. The documents shall be provided under protective order and designated for "attorneys' eyes only" and until otherwise ordered or stipulated shall be viewed by outside counsel only. These documents may be used in deposition of Defendant's officers or employees, but during questioning about such documents, only Plaintiff's outside

1 litigation counsel may be present. Said portion of the deposition transcript shall remain for
2 attorneys' eyes only until further order. Defendant will file under seal with the Court unredacted
3 copies of these documents showing all redactions.


4 As to Request Nos. 3 and 12, Defendant shall produce under the same protective order as
5 above, all documents responsive to the requests which are already limited to those which relate to
6 on-board battery chargers.

7 These documents shall be produced by 5:00 p.m. on January 23, 2006.

8 The Court finds that as the order for production has been narrowed herein, any trade secret
9 required to be produced consistent with this order is relevant to the issues in the case and necessary
10 to their resolution, and that in view of the protective order required herein, the risk of injury
11 resulting from such disclosure is outweighed by the litigation needs of this case.

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13 IT IS SO ORDERED.

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15 Dated: January 20, 2006

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EDWARD M. CHEN
United States Magistrate Judge